

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** CHAIRMAN GARY L. PERRY, on January 13, 2009 at 9:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Gary L. Perry, Chairman (R)  
Sen. Jim Shockley, Vice Chairman (R)  
Sen. Aubyn Curtiss (R)  
Sen. John Esp (R)  
Sen. Greg Hinkle (R)  
Sen. Larry Jent (D)  
Sen. Carol C. Juneau (D)  
Sen. Cliff Larsen (D)  
Sen. Jesse Laslovich (D)  
Sen. Dan McGee (R)  
Sen. Lynda Moss (D)  
Sen. Terry Murphy (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Valencia Lane, Legislative Branch  
Pam Schindler, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 157, SB 159, SB 171, 1/15/2009

Executive Action: SB 140-Do Pass, SB 35-Do Pass As Amended

**HEARING ON SB 159**

**Opening Statement by Sponsor:**

00:03:46 SEN. JIM SHOCKLEY (R), SD 45, opened the hearing on SB 159, Revise consent provision for statutory rape.

**Proponents' Testimony:**

None

**Opponents' Testimony:**

None

**Informational Testimony:**

00:07:21 Kelsen Young, Executive Director, Montana Coalition  
Against Domestic and Sexual Violence

00:07:45 Stacey Anderson, Planned Parenthood of Montana

**Questions from Committee Members and Responses:**

00:09:04 Sen. Laslovich

00:09:35 Sen. Shockley

00:11:05 Sen. Moss

00:11:27 Sen. Shockley

00:12:06 Sen. Perry

00:12:41 Sen. Shockley

**Closing by Sponsor:**

00:14:08 Sen. Shockley

**HEARING ON SB 157**

**Opening Statement by Sponsor:**

00:15:19 SEN. JIM SHOCKLEY (R), SD 45, opened the hearing on SB 157, Audio-video hearings for certain mental health00

**Proponents' Testimony:**

00:22:00 Jim Smith, Montana Sheriffs and Peace Officers  
Association, Montana County Attorneys Association

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**Opponents' Testimony:**

00:25:19 Anita Roessmann, Disability Rights of Montana

**EXHIBIT(jus07a01)**

00:31:47 Nikki Zupanic, ACLU of Montana

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

00:33:26 Sen. McGee

00:34:14 Sen. Shockley

00:40:59 Sen. Esp

**Closing by Sponsor:**

00:43:01 Sen. Shockley

00:43:43 Break

**HEARING ON SB 171**

**Opening Statement by Sponsor:**

00:55:30 **SEN. GREGORY BARKUS (R), SD 4**, opened the hearing on **SB 171**, Criminal damage to rental property.

**Proponents' Testimony:**

01:00:29 Roger Halver, Montana Association of Landlords

**Opponents' Testimony:**

01:05:20 Kelsen Young, Executive Director, Montana Coalition against Domestic and Sexual Violence

**Informational Testimony:**

01:06:47 Jim Smith, Montana County Attorneys Association

**Questions from Committee Members and Responses:**

01:08:36 Sen. Jent

**Proponents' Testimony:**

01:10:20 Kits Smith, Landlord, Kalispell  
(Mr. Smith arrived after initial Proponents' Testimony closed and Questions from Committee were in progress)

**Questions from Committee, Continued:**

01:16:58 Sen. Larsen  
01:17:37 Sen. Barkus  
01:18:34 Sen. McGee  
01:19:11 Sen. Barkus  
01:20:02 Sen. Shockley  
01:21:08 Mr. Smith  
01:23:12 Sen. Moss  
01:23:44 Ms. Young  
01:24:18 Sen. Perry  
01:25:26 Ms. Young  
01:26:22 Sen. McGee  
01:27:35 Sen. Barkus

**Closing by Sponsor:**

01:28:38 Sen. Barkus  
01:29:47 Break

**EXECUTIVE ACTION ON SB 140**

01:34:48 **Motion:** SEN. MCGEE moved that **SB 140 DO PASS.**

**Discussion:**

01:35:13 Sen. McGee  
01:35:47 Sen. Perry  
01:37:20 Sen. McGee  
01:38:40 Sen. Perry  
01:39:03 Sen. Shockley  
01:41:38 Sen. Larsen  
01:42:33 Sen. Juneau  
01:43:55 Sen. Esp  
01:44:55 Sen. McGee  
01:45:32 Kelsen Young, Executive Director, Montana Coalition  
Against Domestic and Sexual Violence  
01:46:58 Sen. Perry  
01:48:27 Sen. McGee

01:48:39 **Vote:** Motion that **SB 140 DO PASS** carried 9-3 by roll call vote with SEN. HINKLE, SEN. McGEE, and SEN. SHOCKLEY voting no. SEN. JUNEAU and SEN. LASLOVICH voted by proxy.

**EXECUTIVE ACTION ON SB 159**

01:49:05 **Motion:** SEN. SHOCKLEY moved that **SB 159 DO PASS.**

**Discussion:**

01:50:03 Sen. Shockley

01:51:21 **Motion:** SEN. SHOCKLEY moved that **SB 159 BE AMENDED.**

01:51:31 Sen. Perry

01:51:35 SEN. SHOCKLEY (without objection) **WITHDREW MOTION THAT SB 159 BE AMENDED AND DO PASS.**

**Discussion:**

01:52:33 Sen. Esp

01:52:41 Sen. Jent

01:53:12 Sen. Esp

01:53:33 Sen. Jent

**EXECUTIVE ACTION ON SB 35**

01:55:45 **Motion:** SEN. JENT moved that **SB 35 DO PASS.**

01:56:04 **Motion:** SEN. ESP moved that **SB 35 BE AMENDED.**

[EXHIBIT\(jus07a02\)](#)

[EXHIBIT\(jus07a03\)](#)

[EXHIBIT\(jus07a04\)](#)

[EXHIBIT\(jus07a05\)](#)

[EXHIBIT\(jus07a06\)](#)

**Discussion:**

01:56:35 Sen. Esp

01:57:24 Sen. Jent

01:58:00 Sen. McGee

01:58:37 Sen. Jent

01:59:16 Sen. McGee

02:00:00 Sen. Perry

02:00:52 Sen. Esp

02:01:01 Sen. Jent

02:01:41 **Vote:** Motion that **SB 35 BE AMENDED** carried unanimously by voice vote. SEN. JUNEAU and SEN. LASLOVICH voted by proxy.

02:02:06 **Motion:** SEN. JENT moved that **SB 35 DO PASS AS AMENDED.**

**Discussion:**

02:03:15 Sen Perry

02:03:25 **Vote:** Motion that **SB 35 DO PASS AS AMENDED** carried unanimously by voice vote. SEN. JUNEAU and SEN. LASLOVICH voted by proxy.

**Committee Business:**

02:03:44 Valencia Lane, Legislative Services Division  
(regarding SB 171 heard today)

02:05:53 Sen. Perry

**ADJOURNMENT**

Adjournment: 11:08 A.M.

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PAM SCHINDLER, Secretary

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Additional Exhibits:

**EXHIBIT ([jus07aad.pdf](#))**